

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEAN YVONNE MILLER,	:	Civil No. 3:17-CV-01452
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
ANDREW SAUL, <sup>1</sup>	:	
	:	
Defendant.	:	Judge Jennifer P. Wilson

**ORDER**

**AND NOW**, on this 22<sup>nd</sup> day of April, 2020, for the reasons set forth in the accompanying memorandum, **IT IS ORDERED THAT:**

1. The Plaintiff's motion for attorney's fees is **GRANTED**. (Doc. 30.)
2. Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, Plaintiff is awarded attorney's fees in the amount of \$10,803.08. Defendant is directed to pay that amount to Plaintiff, Jean Yvonne Miller, subject to any Treasury Offset Program, 31 U.S.C. §§ 3711, 3716.
3. The Commissioner shall determine after the entry of this order whether Plaintiff owes a debt to the Government that is subject to 31 U.S.C. §§ 3711, 3716. If Plaintiff does owe a debt to the Government, her EAJA fee will be applied toward such debt pursuant to the Treasury Offset Program, *see Astrue v. Ratliff*, 560 U.S. 586, 589–91 (2010), and the Commissioner shall notify the Treasury Department that, if any funds remain after the EAJA award is applied to her debt, the Treasury Department should issue a check for the remaining funds made payable

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<sup>1</sup> At the time this case was filed, the acting Commissioner of Social Security was Nancy A. Berryhill, and thus, Plaintiff named her as the Defendant. Andrew M. Saul became the Commissioner of Social Security on June 17, 2019. *See* OFFICIAL SOCIAL SECURITY WEBSITE <https://www.ssa.gov/agency/commissioner.html> (last accessed April 22, 2020). Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, as the new Commissioner of Social Security, Andrew M. Saul is automatically substituted for the original defendant. FED. R. CIV. P. 25(d).

to Plaintiff and mail that check to Plaintiff's counsel at the following address:

Kenneth R. Hiller, Esq.  
Law Offices of Kenneth Hiller PLLC  
6000 North Bailey Avenue, Ste. 1A  
Amherst, New York 14226

4. Notwithstanding instructions in the preceding paragraphs to pay the EAJA award to Plaintiff, if the Treasury Department determines that Plaintiff does not owe a federal debt subject to setoff, the Commissioner will honor Plaintiff's assignment of EAJA fees and will pay the awarded fees directly to Plaintiff's counsel, Kenneth R. Hiller, Esq.

s/Jennifer P. Wilson  
JENNIFER P. WILSON  
United States District Court Judge  
Middle District of Pennsylvania